

**REMARKS**

**Status of the Claims**

Claims 1-14 are pending in this application, the independent claims being claims 1, 9, 13 and 14. By this Amendment, claim 9 is amended and claims 15 and 16 are canceled.

**Summary of the Official Action**

In the Official Action, claims 1-4, 8-12, 15 and 16 were rejected under 35 U.S.C. §103(a), as unpatentable over U.S. Patent No. 6,671,614 (Weisman).

Reconsideration and withdrawal of the rejection respectfully are requested in view of the above amendments and the following remarks.

**Allowed Subject Matter**

Initially, Applicant gratefully acknowledges the Examiner's indication that the application contains allowable subject matter, that claims 13 and 14 are allowed, and that claims 5-7 are allowable over the prior art.

In this regard, Applicant notes that dependent claim 11 recites features similar to allowable claim 6, in that a vehicle speed signal, in a simulation manner, is provided to the speed meter when the controller outputs the information recorded in the memory.

Accordingly, Applicant believes claim 11 also is allowable over the cited art. Favorable reconsideration and indication of allowability of claim 11 respectfully are requested.

**Claim Amendments**

The rejection of the claims over the cited art respectfully is traversed. Nevertheless, without conceding the propriety of the rejection, and solely to advance prosecution of the application to issue, claim 9 has been amended to improve its form, and claims 15 and 16 are canceled without prejudice to or disclaimer of the subject matter recited therein. Applicant reserves all rights to the subject matter recited in claims 15 and 16, including the right to file a continuation application directed to the subject matter.

**Claimed Invention**

The present invention relates to a novel vehicle state recording method and computer mounted in a vehicle and controlling an engine according to a preset program. In one aspect, as recited in independent claim 1, the claimed invention relates to a vehicle traveling state recording method. The method comprises: recording information on traveling states, the information including traveling speeds of a vehicle, in a memory built in a computer, the computer controlling an engine and an amount of fuel supply; stopping the recording of the information on the traveling states when the vehicle stops; reading the recorded information out from the memory; and outputting the read-out information from an output terminal.

In another aspect, as recited in independent claim 9, the claimed invention relates to a computer mounted in a vehicle and controlling an engine according to a preset program. The computer comprises an input section for inputting information on traveling states, the information including traveling speeds of the vehicle, a memory built in the computer, wherein the computer controls an amount of fuel supply, the memory recording the information input to the input section, and a controller for controlling the information to be sequentially recorded into the memory in predetermined cycles, the controller stopping the recording of the information when the vehicle stops, and the controller outputting the information recorded in the memory.

In each of these aspects, the claimed invention includes the features of inputting and recording traveling states (including traveling speeds), and controlling/stopping the recording of the traveling states when the vehicle stops.

**Prior Art Distinguished**

Applicant submits that the prior art fails to anticipate the claimed invention. Moreover, Applicant submits that there are differences between the subject matter sought to

be patented and the prior art, such that the subject matter taken as a whole would not have been obvious to one of ordinary skill in the art at the time the invention was made.

Applicant submits that the Examiner has failed to establish a *prima facie* case of obviousness under 37 C.F.R. §103(a). A *prima facie* case requires that each element of the claimed invention be disclosed or suggested in the prior art. MPEP §2143.03. In the Official Action, the Examiner acknowledges that the Weisman '614 patent fails to disclose every feature of the claimed invention (by withdrawing the prior rejection under 35 U.S.C. §102), but now asserts, in light of the Weisman '614 patent disclosure, "it would be obvious that recording the speed of the vehicle stops when the vehicle stops, as the vehicle could obviously be turned off in order to save fuel." The Examiner has not identified any portion of the Weisman '614 patent that suggests this feature, and Applicant submits that the Weisman '614 patent fails to suggest this feature of the claimed invention, that is, the feature of stopping the recording of the information of the traveling states when the vehicle stops, as variously recited in each of independent claims 1 and 9. Nor has the Examiner pointed to any other source of prior art to suggest that this feature be combined with the features of the Weisman '614 patent to achieve the claimed invention.

Further, Applicant believes that this feature is not inherent in the basis set forth by the Examiner in the Official Action, because the recording of traveling states could well be continued irrespective of the vehicle being stopped, even if turned OFF. In fact, the Weisman '614 patent teaches that the electronic control module 20 can sample various sensors at regular intervals under controlled conditions, or it can sample continuously (col. 9, lines 39-41). Moreover, in the Weisman '614 patent disclosure data is collected at regular intervals. For example, fuel economy trend information is taken every aaa (20) engine hours (col. 10, lines 35-38); maximum oil temperature is sampled every aaa (20) engine hours (col. 10, lines 40-45); an RPM sample is taken every aaa (20) engine hours (col. 10, lines 59-61); and a

maximum vehicle speed sample is taken every aaa (20) engine hours (col. 10, line 66 - col. 11, line 1). Accordingly, Applicants submits that it would not be inherent or obvious to modify the Weisman '614 patent to achieve the claimed features of recording or inputting information on traveling states and stopping the recording of the information when the vehicle stops, as disclosed in the present application and recited in independent claims 1 and 9.

For at least the reasons discussed above, Applicant submits that claims 1 and 9 are allowable over the cited art.

Claims 2-8 and 10-12 depend from claims 1 and 9, and are believed allowable for the same reasons. Moreover, each of the dependent claims recites additional features in combination with the features of its respective base claim and is believed allowable in its own right. As noted above, dependent claim 11 recites features similar to features recited in allowable dependent claim 6. Individual consideration of the dependent claims respectfully is requested.

**Entry of Amendment Under 37 C.F.R. 1.116**

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (as the amendments amplify issues previously discussed throughout prosecution); (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because e.g. they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

**Conclusion**

Applicant submits that the present Amendment is responsive to each of the points raised by the Examiner, and submits that the application is in condition for allowance. Favorable consideration of the claims and passage to issue of the application at the Examiner's earliest convenience earnestly are solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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